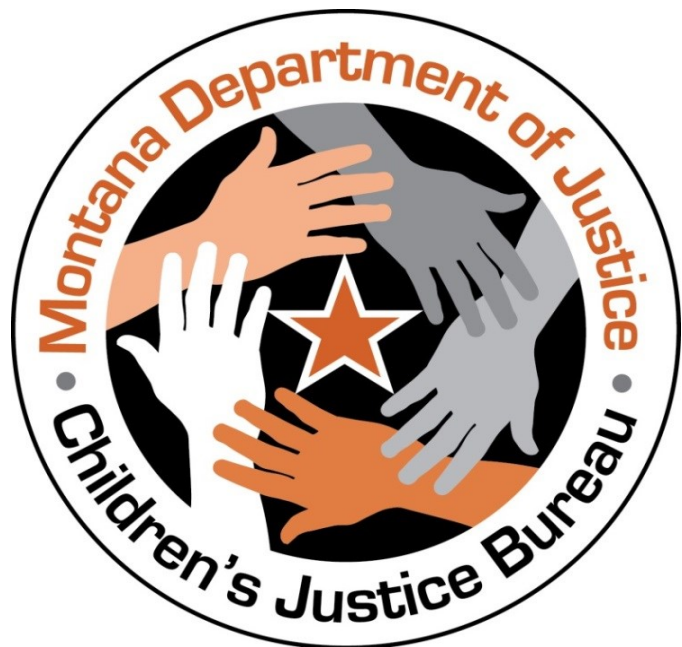


Montana Department of Justice Office of the Child and Family Ombudsman Annual Report 2016



Office of Child & Family Ombudsman

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Introduction

Welcome to the 2016 annual report of the Montana Department of Justice Office of the Child and Family Ombudsman (“OCFO”). This annual report is required by Montana law 41-3-1211 and reports a summary of activities for December 16, 2015 through December 15, 2016. We appreciate your interest in this important work.

The 2016 annual report is organized by each duty assigned to OCFO in Montana statute. Highlights of 2016 include the following:

- The number of contacts to our office continues to hold at 4 new contacts per week.
- Referral sources are varied and indicate our outreach is effective.
- Reports of drug use and domestic violence as factors in cases continues to rise.
- Notifications on critical incidents increased.
- More citizens were assisted through requests and outreach in 2016.

In addition to the annual report, information on OCFO is available at:

<https://dojmt.gov/enforcement/childrensjustice/> .

Mission

The **Office of the Child and Family Ombudsman** responds to requests to protect the rights of children and families by improving case outcomes and strengthening Montana’s child welfare system. To support the mission, OCFO follows four principles, which are consistent with the standards of the United States Ombudsman Association.

The Office is **independent** of the Montana Department of Public Health and Human Services (DPHHS), meaning it is separate and free from influence of the individuals whose actions OCFO reviews. We are a part of the Montana Department of Justice, Division of Criminal Investigation, managed by the Children’s Justice Bureau.

The Office is **impartial**. OCFO treats citizens equitably and works collaboratively with all parties to improve services for the children of Montana. We may advocate certain recommendations, which benefit the individual who requested assistance; however, advocacy is always directed at improving the services offered by DPHHS, and should not be construed as supporting one individual over another.

OCFO is **confidential**. We adhere to Montana statute.

OCFO provides a **credible review process** to each citizen contacting the Ombudsmen. OCFO keeps each requestor apprised of each step of the process and takes actions that improve transparency of the child welfare system.

To request assistance, please contact our office in one of the following ways:

Telephone: 1-844-25CHILD (1-844-252-4453)

Fax: 406-444-2759

Email: DOJOMBUDSMAN@mt.gov

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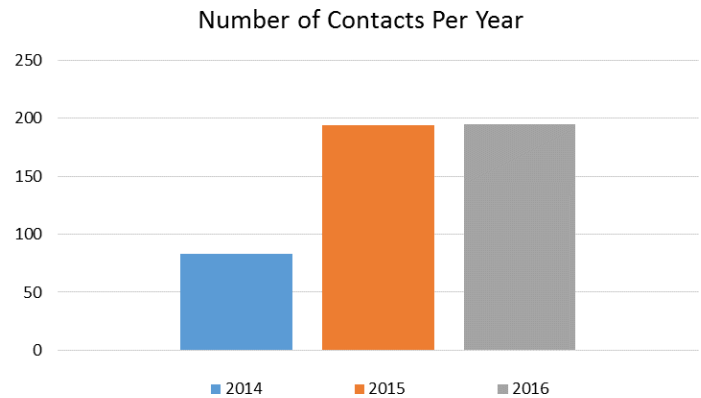
Duty: Respond to Citizens' Requests

2016 Contact Data

In 2016, OCFO received 195 total contacts from citizens, an average of four per week. The rate of contacts in 2016 is consistent with last year. We currently serve 120 open contacts.

TABLE 1 and GRAPH 1: Contacts Per Year

Year	Number of Contacts
2014	83
2015	194
2016	195
Total since 4/1/14	472

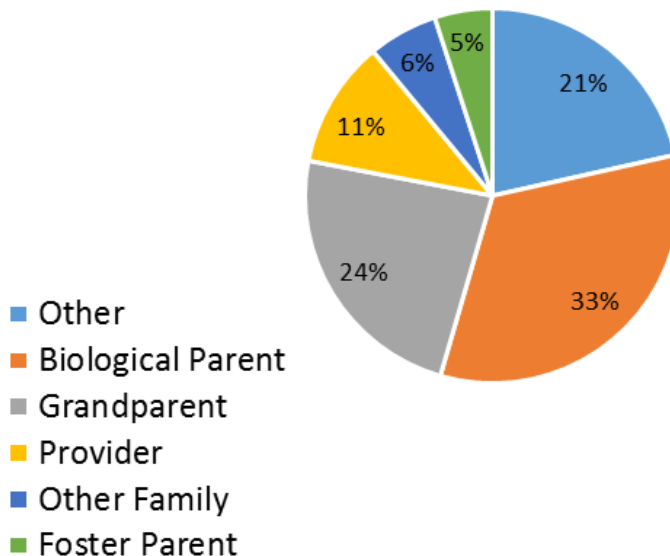


Graph 2 documents the types of citizen contacts defined by the contactor's relationship to the child of concern. The categories listed from most to fewest types of contacts are:

1. Biological Parent
2. Grandparent
3. Other
4. Professional Service Provider
5. Other Family

Other includes concerned but unrelated individuals and unreported.

**GRAPH 2: Contacts by Relationship to Child
(Percentage of total reported)**



The Child and Family Services Division statewide structure is based on County CFSD offices and each county is assigned to a regional office. In February of 2016, CFSD Regions reorganized geographic regions from five regions to six regions. The map below identifies the Regions and the percent of contacts from each Region follows:

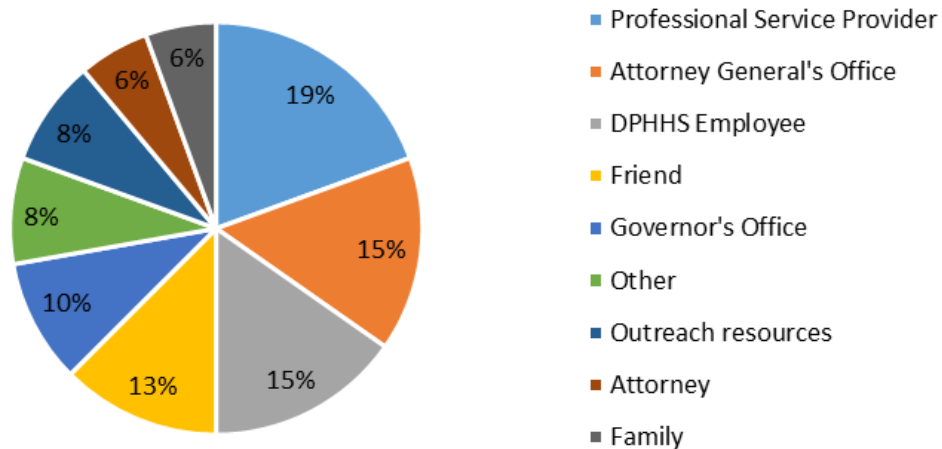
Unknown– 2.5% of contacts did not give their Region.



2016 Contact Data (continued)

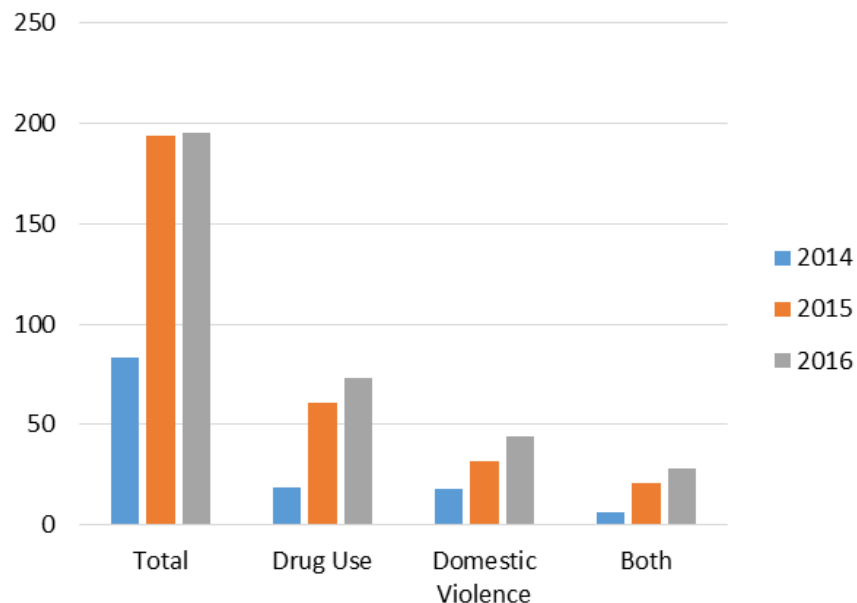
Graph 3 shows the source of referrals to OCFO. In 2016, the primary source of referrals to our office were Community Professionals at 19%. DPHHS employees refer at the second highest rate or 15%. Third, the Attorney General’s Office referred 15% of the total contacts. Friends referring increased in 2016 from 7% to 10%. Referrals from the Governor’s Office also increased in 2016 from 8% to 10%.

**GRAPH 3: Source of Referrals to OFCO
(Percentage of total reported)**



Graph 4 shows the number of cases in which drug use, domestic violence, or both were considered factors in the case. While the rate of contacts remained consistent from 2015 to 2016, the number of cases involving drug use and domestic violence increased in 2016. Drug use was reported in 37% of contacts in 2016 up from 31% in 2015. Domestic violence was reported in 23% of contacts in 2016 up from 16% in 2015. Both were reported in 14% of contacts in 2016, up from 11% in 2015.

GRAPH 4: Contacts including Drug Use and/or Domestic Violence

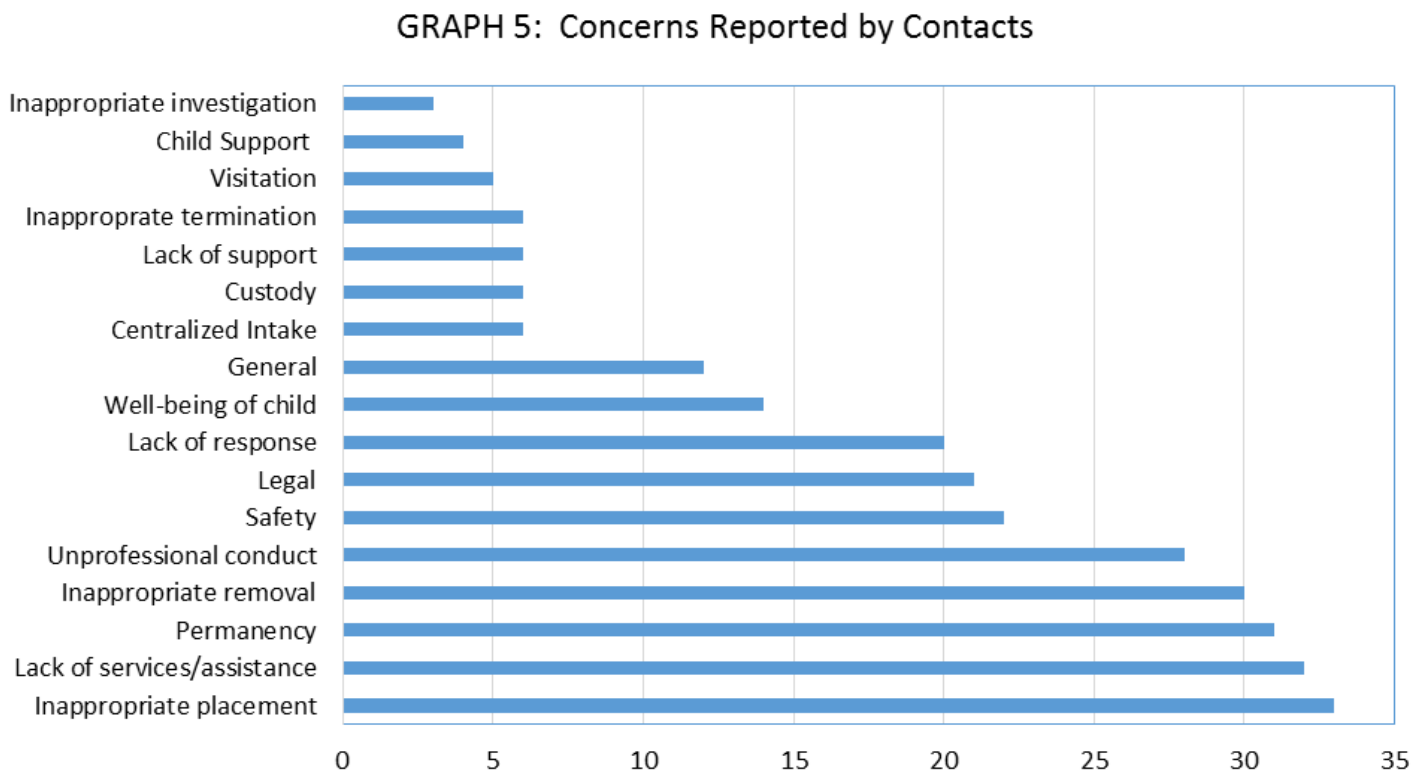


2016 Contact Data (continued)

In 2016, the most prevalent citizen concerns about children and families were:

- Inappropriate placement: This is a decrease of 4% compared to 2015.
- Lack of services/assistance: This is a decrease of 13% compared to 2015.
- Permanency: This is an increase of 2% compared to 2015.
- Inappropriate removal: This is an increase of 4% compared to 2015.

Graph 5 reflects the all concerns documented by our office as reported by contacts.



Contacts often report more than one concern. OCFO documents up to three main concerns per contact and works with citizens to address each concern or question in the most effective manner. This could include referrals to services, meeting with CFSD to create a plan, or preparing a Findings Report. Each intervention is individualized to the requestor’s needs.

Notifications Data

In addition to citizen contacts, Montana code 41-3-209 requires CFSD to notify our office as follows:

- (1) within 1 business day, a death of a child who, within the last 12 months:
 - (a) had been the subject of a report of abuse or neglect;
 - (b) had been the subject of an investigation of alleged abuse or neglect;
 - (c) was in out-of-home care at the time of the child's death; or
 - (d) had received services from the department under a voluntary protective services agreement;
- (2) within 5 business days:
 - (a) any criminal act concerning the abuse or neglect of a child;
 - (b) any critical incident, including but not limited to elopement, a suicide attempt, rape, nonroutine hospitalizations, and neglect or abuse by a substitute care provider, involving a child who is receiving services from the department pursuant to this chapter; or
 - (c) a third report received within the last 12 months about a child at risk of or who is suspected of being abused or neglected.

TABLE 2 tallies the type of notifications received by our office.

Type of Notification	Number Received 2015	Number Received 2016
Child Fatality	6	8
Cross Reports to Law Enforcement	282	1,735
Runaways	6	46
Other critical incidents	1	32
Third report to Centralized Intake in 12 months	1,949 (Data collection began September 2015)	9,488

Before OCFO conducts a review of a child fatality, any criminal investigations will be completed.

Cross reports to law enforcement are those reports to Centralized Intake that are received by law enforcement or where the Centralized Intake specialist contacts law enforcement to share information on a report from a citizen. This notification serves to address criminal acts concerning the abuse or neglect of a child.

Other critical incidents include suicide attempt, rape, nonroutine hospitalizations, neglect or abuse by a substitute care provider, and any other incident not meeting the other categories.

Duty: Resolve or Recommend

In 2016, we received 195 contacts; 120 total contacts remain open. OCFO recommendations to DPHHS are available upon request.

TABLE 3 describes the status of contacts:

Outcomes	2016 Outcomes
Closed, no further contact	65
Declined to intervene	6
Mediated– Concerns fully resolved	7
Mediated– Plan established	4
Mediated– Questions answered	2
Referred to services and closed	43
Investigated and closed during 2016	4
Open from 2016 contacts	37
Open from previous years	56
Pending review	27

Duty: Procedure Review

2016 Child Fatality Review

MCA 41-3-209 requires the Office of the Child and Family Ombudsman to investigate child fatalities when the child was involved with CFSD within 12 months of the date of death. The CJB Child Fatality Review team members Dana Toole, CJB Chief, Traci Shinabarger, Chief Child and Family Ombudsman, Gala Goodwin, Deputy Child and Family Ombudsman, and Matthew Dale, Executive Director of the Office of Victim Services met in November 2016 to conduct the required review.

The team reviewed fourteen child fatalities, which occurred between July 1, 2015 and November 8, 2016. The team identified facts and practice suggestions that could improve response to cases with multiple risk factors. OCFO released a Child Fatality Review Report in December 2016, which is posted at: <https://media.dojmt.gov/wp-content/uploads/CFR-Report-Final-12-16.pdf>

2016 Request Trends

In addition to continued monitoring of trends from the previous year, those identified in 2016 include:

Legal representation and court timelines. OCFO is currently reviewing the timelines for court action required by law in every case identified by contacts in order to identify barriers and work to improve the legal process for families.

Non-custodial parent involvement. OFCO is preparing it's first procedural review and report on the issue of involvement of non-custodial parents when their child has been abused.

Duty: Outreach and Education

Outreach efforts by the OCFO are required by statute and in 2016 included:

- Printing and distribution of brochures to the County Attorney Offices and Office of Public Defenders in each county;
- “Meet the Ombudsman” presentations for CASA staff and volunteers in Great Falls, Missoula, and Havre;
- “Meet the Ombudsman” second round presentations for CFSD staff in Great Falls, Helena, and Miles City;
- “Meet the Ombudsman” presentations for new child protection specialist training classes;
- Presentation at the Montana Child Abuse and Neglect Conference;
- Presentation at the Child Advocacy Center Training.
- Ongoing brochure mailings and presentations to service providers;
- Attendance at monthly University of Montana Center for Children, Families, and Workforce Development.
- Attendance at the United States Ombudsman Association Annual Conference;
- Attendance at the National Conference on Child Abuse and Neglect.

OCFO conducts program evaluation through a survey of citizen contacts. The survey is anonymous and delivered to citizens through email or US mail. In 2016, the survey response rate is 24% with the following feedback:

- 92% reported feeling respected by the Ombudsman.
- 83% reported understanding the process of our office.
- 41% were satisfied with the outcomes working with the Ombudsman.

Notable comments included:

“I only wish there were more of them throughout the state to handle cases more directly.”

“Maybe the most vital aid to have an ombudsman is for family members working with CPS. Good use of tax money. Thank you.”

OCFO will continue to send and receive surveys and use feedback to improve the process and increase assistance to citizens.

Duty: Annual Report

The preceding pages summarize the activities of the Office of the Child and Family Ombudsman by statutory duty. The final section describes how the challenges identified in the 2015 annual report were addressed as well as outlining challenges and successes from 2016.

2015 Challenge Updates

2015 Challenge #1: Timely Response to the Public. The 2015 Legislature approved a staffing increase for OFCO and in 2016 a Deputy Child and Family Ombudsman was hired. The addition of the Deputy increased the efficiency of response time to citizen contacts.

2015 Challenge #2: Expectations of the Office. In 2016, OCFO's policy and procedure manual was revised to implement the 2015 legislative changes. It will be updated following the 2017 session and published at: <https://dojmt.gov/enforcement/childrensjustice/>.

2016 Challenges

2016 Challenge #1: Communications with CFSD. In April 2016, the CFSD Administrator resigned and the position remained open until November 2016. The process for developing a formal communication plan with CFSD was placed on hold until the CFSD Administrator can participate.

2016 Challenge #2: Response to alerts and critical incidents. In 2016, required notifications from CFSD to OCFO increased substantially and OCFO staff was not able to review each notification. Notifications are important and identify trends in the child protection system. A more comprehensive system is necessary to review the notifications in detail.

2016 Successes

2016 Success #1: Communications with CFSD. Communication with the Regional Administrators and OCFO response to individual requests from citizens continued to develop and improve. Regional Administrators and Centralized Intake are responsive to OCFO questions and concerns which increases efficient OCFO response to citizens.

2016 Success #2: Equitable use of limited resources. The addition of the Deputy Child and Family Ombudsman improved response time of our office, increased the number citizens served, and provided more comprehensive services to individual citizens. In the third year, response to citizen feedback about specific cases improved. The Chief and Deputy Ombudsmen continue to support citizens by joining family engagement meetings, meeting with CFSD staff, and improving communications and case decisions for families, children and service providers.

2016 Success #3: Outreach. A greater number of citizens and professionals were contacted by our staff, and statewide awareness of OCFO's services increased substantially in 2016, including orientations and trainings for CFSD staff.